

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP RANDALL TILLIE,

Plaintiff,

v.

MIKE LOFTON, et al.,

Defendants.

Case No. 1:24-cv-625

Hon. Hala Y. Jarbou

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 18, 2025, Magistrate Judge Sally J. Berens issued a report and recommendation (R&R, ECF No. 32) recommending that the motion for summary judgment against Plaintiff for failing to exhaust his administrative remedies filed by those defendants employed by the Michigan Department of Corrections (ECF No. 23) be denied. The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on March 4, 2025. The Court agrees with the magistrate judge's conclusion that Plaintiff sought all available review within the prison system before filing his complaint and, more importantly, that the Department evaluated his grievances on the merits even if it could have rejected them for being untimely raised. (R&R 6.) Defendants' reply brief effectively concedes that Plaintiff exhausted his administrative remedies against all Defendants other than Matthew Turner, an assistant residential unit supervisor (ECF No. 28 at 2–3),¹ and Carol Kenison, who moved for summary judgment separately (ECF No. 29).

¹ Plaintiff has sought to dismiss Turner from this action, thereby ensuring that his suit names only those individuals listed in his grievance. (ECF No. 34.)

For these reasons, **IT IS ORDERED** that the R&R (ECF No. 32) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (ECF No. 23) is **DENIED**. The Court does not reach Defendant Carol Kenison's motion for summary judgment (ECF No. 29), which is currently pending before Magistrate Judge Berens.

Dated: March 25, 2025

/s/ Hala Y. Jarbou
HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE